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The Consultative Group on Research and Education in Law

Sources of Support for Legal Research

A report to the Consultative Group on Research and Education in Law
based on a survey of foundations, law reform commissions, departments
of justice, and attorneys and solicitors general in Canada

John S. McKennirey

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Canadian Law Professors, A Report to the Consultative Group on Research and Education in Law based on the 1981 survey of full-time law professors in Canada. John S. McKennirey, 1982.

Canadian Law Faculties, A Report to the Consultative Group on Research and Education in Law based on the 1981 survey of Canadian law faculties and statistics of the Canadian deans of law. John S. McKennirey, 1982.

Profile of Published Legal Research, A Report to the Consultative Group on Research and Education in Law based on a survey of Canadian legal publications. Alice Janisch, 1982.

Sources of Support for Legal Research, A Report to the Consultative Group on Research and Education in Law based on a survey of foundations, law reform commissions, departments of justice, and attorneys and solicitors general in Canada. John S. McKennirey, 1982.

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Preface

One of the reasons motivating the Social Sciences and Humanities Research Council of Canada to sponsor the Consultative Group on Research and Education in Law was the very low rate of participation by law professors in the Council's Research Grants program (see Appendix B), despite a good degree of success when applications were forthcoming. Thus, the Council was one among many parties interested and concerned to know who was supporting legal research, with what emphases and with what impact. The Consultative Group decided to undertake this study to attempt to gain a concrete answer to these questions, about which there has been a good deal of speculation.

This report, however, has certain major limits which must be mentioned. First, it is confined to research which is explicitly identified as legal, thus eliminating the broad field of law-related interdisciplinary research, which may be carried out in a variety of other disciplines. Second, concerning governmental sources of support, our survey was confined to departments and agencies with explicit responsibility for law, leaving aside the remaining departments which may conduct law-related research from different perspectives as a part of their particular mandates. Third, this study does not make reference to sporadic research efforts, e.g. those engendered by royal commissions, but is restricted to regular, on-going practices. Finally, research support provided within law faculties, deriving from their own, from university or from research institute funds is discussed at length in a separate study.¹

Over all, in carrying out our investigations, it became apparent that to attempt to speak definitively in strict dollar values about total funds devoted to supporting law-related research - distinguishing the types of research supported and the types of conditions under which funds were provided - would amount to a major research project in its own right. Such an undertaking was out of our reach, and unnecessary for our purposes. This study, albeit with limits in scope and precision, covered at least the principal sources

¹ Canadian Law Faculties, A Staff Report submitted to the Consultative Group on Research and Education in Law, John S. McKennirey, 1982.

of support for legal research, and has provided, we feel, a good overall impression of the funding situation for research in law external to the law faculties.

We wish to acknowledge the assistance of Dr. E.A. Tollefson (Federal Department of Justice) and Prof. Harry Arthurs (Osgoode Hall Law School) both of the Consultative Group in the design of the questionnaire and planning of the survey. And we thank our respondents for their cooperation. The responsibility for this report, however, including the interpretation of the statistics, lies with the author rather than with the Consultative Group to whom it has been submitted.

J.S. McKennirey

August, 1982

A. Introduction

Before reporting the results of this survey we should mention several sources of information used in developing the list of institutions contacted in it. First, the Association of Universities and Colleges of Canada's, Canadian Directory to Foundations and Granting Agencies (4th Edition) lists and categorizes over 500 institutions, and provides, where applicable, a description of their areas of interest. Sixteen institutions are listed under "law" (and of these only seven under the subheading "legal research"); and closer examination of these 16 revealed that among them three provincial law foundations, the SSHRCC, the Donner Canadian Foundation and the Foundation for Legal Research were at present supporting legal research in Canada.

Second, the Canadian Law Information Council conducted a survey in 1980 of funding agencies directed at their support of public legal education. Though inconclusive, the survey did obtain information and annual reports from over 50 private foundations, and the CLIC provided these materials to us for examination. From among them, only the Donner Canadian Foundation, and, to a much lesser extent, the Laidlaw Foundation appeared to be supporting legal research.

Third, Catherine Freedman of the Programs and Law Information Development Section of the Federal Department of Justice made a study in 1979 of all non-governmental agencies with a possible interest in legal studies. She undertook to write to every non-governmental organization she could identify, including, again, the private foundations, to ask if they had any interest in legal research. There were only two positive responses: the Donner Foundation and (to a small extent) the Oakah Jones Foundation.

Fourth, our survey of law professors² generated information on source of support for legal research (Tables 26, 26A reproduced below on pages 16, 17). The major sources of support were the

² Canadian Law Professors, A Report to the Consultative Group on Research and Education in Law based on the 1981 survey of full-time Canadian law professors. John McKennirey, 1982.

universities and law faculties, but a number of professors had also been supported by federal and provincial government departments, by law reform commissions and by law foundations or other foundations. In drawing up the list of institutions to be surveyed we included every foundation in Canada listed by the 35 law professors who said they had received support from a foundation other than a law foundation. This process added the following to those already mentioned: Canadian Law Information Council, Osgoode Society, Canadian Tax Foundation, Addiction Research Foundation. Fourteen of the thirty-five respondents indicated having received support from the Donner Canadian Foundation.

Based on these sources of information we drew up a list of 40 departments, foundations or agencies to be surveyed. Included are all attorneys or solicitors general (8), departments of justice (4), law foundations (5), law reform commissions (9) as well as the non-governmental foundations or agencies which we had discovered to be interested in supporting legal research (12) (see Appendix A for complete list). We decided not to contact all the non-legal government departments because this would have drawn us into a large-scale and complex project, with many difficulties of definition, and out of our range practically. We did survey, however, the Canadian Centre for Justice Statistics of Statistics Canada.

We received 36 replies, including 31 completed questionnaires. Among those who answered were all the provincial law foundations, the provincial government legal departments (with the exception of Quebec's Ministère de la Justice), the Chambre des Notaires du Québec, the federal departments of justice and the solicitor general, all but one law reform commission and the major private funding sources. We also obtained information on support of legal research by the Social Sciences and Humanities Research Council (SSHRC), and by the Fonds-Formation de Chercheurs et Action Concertée (FCAC) (see Appendices B, C).

No doubt some specialized legal research is being supported by non-legal government departments and a variety of non-governmental organizations and public interest groups not included in our survey.

Although we cannot claim, therefore, that the survey is completely comprehensive, it certainly includes the major governmental and private sources of support for legal research in general.

Our questionnaire was deliberately brief, aiming to obtain a basic indication of the extent and the kinds of legal research being carried on in-house and supported externally by the target institutions, as well as the means and conditions relating to publication of the research results. The questionnaire was not intended to provide for an in depth inquiry into the structures and operations of the institutions surveyed.

Finally, we were interested in a variety of types of legal research, which we divided in three categories: a) relating to jurisprudence, history, law and society; b) relating to social policy formulation; c) relating to specific legislative developments. But we explicitly requested respondents to exclude research done in preparation for the provision of legal advice or services.

B. Comments on Survey Results

The questionnaire was divided in five sections: in-house research, research contracts, research grants to individuals, grants to institutions to sponsor research, and an evaluative question on the quality of legal research generally.

a) In-house research

In-house research was being carried out by 21 institutions, mainly law reform commissions (7) and government departments (9). The law reform commissions employed 42 lawyers full-time and 31 part-time in research, while the provincial attorneys general or justice departments employed 39 lawyers full-time and 32 part-time in their research (see Table 2). The Centre for Justice Statistics and the Solicitor General Canada each reported 20 professional non-lawyers employed full-time in law-related research. The former employed one lawyer full-time while the Solicitor General (Research Division) reported no lawyers employed for research. (No part-time research personnel were reported by either agency.) The Federal Department of Justice employed 20 lawyers full-time and three part-time, as well as 12 non-lawyers reported as working full-time on research, and another two part-time. In total there were 108 lawyers employed full-time and 77 part-time and 68 non-lawyer professionals employed full-time, 14 part-time. These are substantial numbers, and the question of how to interpret them is important. No doubt, to some degree, which it is not practical to attempt to quantify, part of the overall work load is devoted to the administration of research support programs rather than to direct research itself, while some time is also devoted to short-term legal advice rather than research in our sense. Nonetheless, the fact remains that there are over 180 lawyers employed in a variety of government departments and agencies for whom at least some of their professional duties involve legal research. This is about one-third the number of full-time law professors in Canada. And it is worth mentioning the obvious fact that full-time law professors are far from being full-time legal

researchers. Indeed only about 20% spend more than a quarter of their working time on research (Canadian Law Professors, Table Q-31). Thus, the contingent of government-based legal researchers is significant indeed. Furthermore, the 68 full-time and 14 part-time non-lawyers conducting legal research for the Centre for Justice Statistics and the Solicitor General of Canada should be remarked upon. The presence of non-lawyers on staff in law faculties is extremely rare, thus it would appear that the momentum for interdisciplinary research on law "from different angles" is developing outside of the law faculties. One should also note the existence of at least 11 permanent legal research units among the surveyed institutions.

In-house research was related to specific legislative developments for almost all these institutions (19 to 21); but it related as well to social policy formulation for five law reform commissions and seven others (see Table 1); and to jurisprudential, historical or law and society issues for seven government departments and six others. Table 5 shows the major subject areas of in-house research. The leading areas are family law, administrative law, property, civil procedure and criminal law, courts and administration of justice, and constitutional law.

In-house research resulted in 39 published reports in 1981 indicated by 10 of the 12 institutions which do publish their research. These 10 institutions publish at least 80% of their in-house research. The nine institutions which do not publish their research include all the provincial departments of justice or attorneys general who had indicated performing in-house research. Those who do publish are the private institutions and the law reform commissions, excluding the Commission de refonte des lois et règlements du Québec.³ One might question from this pattern the extent to which the research in government legal departments goes beyond immediate application. On the other hand, perhaps these departments should take a greater responsibility for publication of the research they carry out.

3 We should point out that the Commission de refonte des lois et règlements is devoted to technical improvements and corrections in the expression of the law.

b) Contract research

Research contracts are given by 17 of the surveyed institutions. In all cases, contracts are given for research related to specific legislative developments. However, 12 also give contracts for research related to social policy formulation and nine for jurisprudential, historical or law and society research. Approximately three and a half million dollars (Table 9) were devoted to contract research by all 17 institutions in 1981, involving 262 contracts. Four institutions account for most of these contracts: the Solicitor General Canada (80), the Law Reform Commission of Canada (39), the Attorney General of Ontario (40) and the Law Reform Commission of Ontario (28). By correlating numbers to the proportions of contracts given to university versus private consultants, we calculate that 131 research contracts were given to university-based consultants and 130 to private consultants. If we exclude the Solicitor General of Canada, since few of this department's contracts go to law professors but most to social scientists, we still find 99 contracts allocated to university-based consultants - most of whom would likely be law professors. This would amount to roughly 15% of the total number of full-time law professors (approximately 600) in Canada.

Contract research among these institutions resulted in 52 published reports. Again the institutions that publish contract research are mainly the law reform commissions and exclude the government legal departments, with the exception of the Federal Department of Justice, the Attorney General of Ontario and to a lesser extent the Solicitor General Canada (Table 12).

Researchers working on contract are permitted to publish independently by all institutions except the Law Reform Commission of Manitoba and the Barreau du Québec which publish 100% of contract research themselves, and the Attorney General of British Columbia which neither publishes research done on contract nor permits separate publication. (It seems the research in question here may be largely related to the provision of legal advice or services, as 100% of British Columbia Attorney General's research

contracts are given to private as opposed to university-based consultants, and as the research budget does not differentiate work related to professional objectives). The nature of research performed on contract in general can be somewhat discerned from the projects listed in Table 16.

c) Grants to individuals

Nine institutions make research grants to individuals. This number includes only one law reform commission (Alberta - budget \$5,000) and none of the provincial government legal departments. The institutions prepared to make grants to individuals are the Law Foundations of Ontario, British Columbia and Nova Scotia and the Foundation for Legal Research (none of which specified a budget for this purpose), as well as the Federal Department of Justice (budget \$347,500), the Osgoode Society (budget \$10,500), the Donner Canadian Foundation (budget \$545,000), and the Laidlaw Foundation (which indicated its primary interest was social services and not supporting research per se). Five of these institutions actually made grants to individuals in 1981 (See Table 20 for listing): The Donner Canadian Foundation (5 grants), the Law Foundation of Nova Scotia (4 grants), the Law Foundation of British Columbia (2 grants), the Osgoode Society (5 grants) and the Federal Dept. of Justice (10 grants). Grantors do not publish the results of research supported by the grants, but they place no restriction on the independent publication of the research.

We should mention before leaving this section on grants to individuals that the distinction between contracts (specified research projects related to the purposes of the organization) and grants (projects initiated by the researcher) is not a clear-cut one. Institutions such as, for example, the federal departments of Justice or the Solicitor General, make known certain areas of interest and invite researchers to submit suitable projects for which a contract will then be given, thus bridging the gap, in a sense, between specified and self-initiated research. Corresponding somewhat to this pattern, the federal departments include a category of funding known as "contributions", which

differ from grants in that they require much fuller auditing and reporting, yet they do not involve the the same degree of departmental direction in the research project as would a contract. The grants and contributions made by the federal departments fall almost entirely into this grey area we have just described, which might be called 'specified-area' grants.

d) Grants to institutions

About three million dollars was granted in 1981 by five provincial law foundations and three attorneys general to 24 institutions involved to some extent in legal research. In many cases, however, judging from the nature of the institutions involved, funds were probably not used primarily for research (see Table 26). Furthermore, even when the institution receiving the grant was involved in research, it may still be, as in the case of the Ontario law faculties for example, that only a small fraction of the grant received is actually devoted to research. The major recipients of institutional grants were certain provincial law reform commissions (41%), the law faculties of Ontario (28%), and the six university centres of criminology (12%). The Law Foundation of Ontario alone accounted for about a third of the total amount granted (\$1,010,840) and provided funds to 11 institutions, which included the provinces' six law faculties. Large grants were made by the Attorney-Generals of British Columbia and Alberta to support their provincial law reform commissions (in Alberta, the Institute of Law Research and Reform) for a combined total of \$680,000. The Law Foundation of Alberta was the other major grantor, providing \$608,000 divided between the Institute of Law Research and Reform at the University of Alberta, and the Canadian Resources Law Institute and other research facilities at the University of Calgary. The Solicitor General Canada provided \$340,000 to the various centres of Criminology at six Canadian universities.

In only one instance did a grantor specify the research areas to be supported by an institutional grant or approve individual projects within the block grant. Generally restrictions are not placed on the use of the grant.

e) Quality of Legal Research

The final question in our survey, an evaluation of the overall quality of legal research, was answered by 15 institutions: eight government legal departments, three law reform commissions, and four others. Their opinions were divided. Among the government departments, three considered research on jurisprudence, legal history or law and society to be excellent, two - good, one - fair and two - poor. Research related to social policy development was rated excellent by two, good by two, fair by three, poor by one. The opinions of other respondents were equally uneven, although research relating to social policy formulation was generally evaluated relatively lower than the other two types of research, i.e. "jurisprudential, historical, law and society" and "relating to specific legislative development". Overall, 24 ratings of excellent or good were given, and 22 ratings of poor or fair.

The comments of respondents provided at the end of the questionnaire are reproduced in Table 31.

Summary

Though global figures and statements can be misleading one needs to attempt an overall appreciation. To review the main findings: there are over 100 lawyers employed full-time in legal research in law reform commission and provincial and federal legal departments, in addition to about 75 lawyers who are employed part-time on research, as well as 68 full-time and 14 part-time professionals other than lawyers. This is a total of 168 full-time legal research professionals, and 89 part-time, 257 in all. Whatever the distribution of labour may be as between actual research per se and various forms of research-related administration, there can be no gainsaying the fact that this is, relative to the size of the legal academic community, an impressive contingent. In the above-mentioned survey of law faculties, the Consultative Group found that only 23 law professors at Canadian law faculties (exclusive of a small number in research institutes) had any fraction of their regular teaching and administrative work

released for research. In terms of full-time equivalent person-years the number of professors freed for research was eight. Moreover, for most professors (about 80%) research constitutes less than a quarter of their working time (Canadian Law Professor, Table Q-31). It would be generous to estimate that a typical law professor devotes 20% of his working time to research. But even at that rate, one would calculate only 120 full-time research person-years among the 600 full-time law professors in Canada. The non-academic legal research contingent in Canada may actually be larger, therefore, in terms of full-time equivalent person-years, than the collective research person-years of the law faculties.

The total amount of funds available for legal research from the sources we surveyed is indeed substantial: \$3.5 million for contracts; \$3 million for grants to institutions, (plus another \$.5 million reported as grants to individuals but belonging more under the 'institutions' heading);⁴ and \$375,000 for grants to individuals, as well as the approximately \$.5 million from the granting agencies (SSHRCC, FCAC). However, in the case of contract funds and grants to institutions a simple reporting of dollar amounts can create a false impression. As mentioned, the purposes to which funds to institutions are devoted often include research only marginally, as a substantial portion of these grants is related to the provision of legal services or educational activities other than research. Much of the funds granted to institutions, and certainly most of the contract funds, is supplied to support mission-oriented research, generally relating directly

⁴ Subsequent to the drafting of this report, we were informed of additional contract and contribution funds available from the federal departments of Justice and the Solicitor General, involving an additional \$390,000 from the former (\$300,000 earmarked for legal aid projects) and \$2,250,000 from the latter (\$2,000,000 in contribution funds to support research and consultation mainly in the criminological area - although some funds could also be available for more purely legal research, and \$250,000 in contract funds, mainly, again, in criminology and corrections). It was also pointed out that the Statistics Division of the Solicitor General has a full-time staff of 15 person-years.

to governmental objectives, often narrowly defined, especially in the case of the needs of legal departments. And the total of contract research is swelled greatly by \$1.6 million provided by the Solicitor General of Canada, only a small fraction of which is provided to legally- trained researchers - most of these funds are provided to social scientists. "Specified area grants" is the term we coined to cover a large pool of funds available within the two federal legal departments to researchers whose projects fit within certain specified areas of interest. And, finally, much government funding is available for "demonstration projects", applied and experimental research of an eminently practical nature.

Based on these reflections, together with the figures on research person-years, we might formulate this overview. There is a large-scale, relatively well-funded, mission-oriented government legal research community in Canada. If we may treat this community collectively, it employs a great number of lawyers and non-lawyers both full and part-time for in-house research, and has a substantial block of funds to pay for outside research. Very little of its funds (almost none excluding some law foundations which are in fact non- governmental organizations) are put into the support of legal research generally, i.e. unconnected to organizational objectives. This is natural, and could hardly be otherwise given the constraints of organizational mandates. In contrast, grants to individual researchers which do not specify research areas are almost a rarity.

The funds that are made available for research through the institutions we surveyed are primarily intended to provide for specified research related to the contractors' objectives, rather than grants for self-initiated research. This imbalance is especially apparent in terms of grants to individuals. Although the Donner Canadian Foundation reported a total of \$545,000 in grants to individuals it appears the Foundation has actually made these grants only to organizations (list p.34) active in certain specified areas. The amounts of funds in fact available to individual independent researchers, as close as can be estimated, seems to be about \$375,000. of which \$347,500 is what we termed

"specified-area grants" provided by the federal Department of Justice. On the other hand the amount available for research contracts was \$3.5 million. At the institutional level, nearly \$3 million was granted to institutions with some relationship to legal research. But, with the exception of some grants by law foundations, little of these funds would be subsequently available to support individual self-initiated research. Notwithstanding the ambiguity surrounding the meaning of the term "grant", the contrast between numbers of contracts and numbers of grants to individuals from among our surveyed institutions can still provide us with a summary of the situation: 262 contracts, 21 grants.

It seems apparent that very little of the large amount of research-related funds granted or given out on contract is actually available to individual scholars not working within law reform commissions, or certain research institutes within law faculties, or not interested in the kinds of research for which government contracts, grants or contributions are available. And despite the abundance of mission-oriented research funds, law professors generally are not involved with this type of research. According to our survey only 14% allot more than 10% of their working time to commissioned research, while 55% spend no time on commissioned research.⁵ What law professors want to do in research, therefore, and what funds are available for are somewhat at odds. Most law professors desire only small amounts of research funds to devote to self-initiated projects.

Such funding is available, however, to some extent from law faculties, universities and in certain programs of granting agencies. It is interesting that Quebec law professors who per capita obtained more grants in 1980 from granting agencies than law professors in other provinces (largely due to the existence of the provincial granting agency - the FCAC - and also due in part to the

⁵ Canadian Law Professors, Table Q31.

presence of the very active Centre de recherches en droit public at the University of Montreal),⁶ were also far more prolific in their academic publications than their common law colleagues (Canadian Law Professors, Table Q-49A).

In conclusion, the outstanding factor in research funding in law appears to be the large supply of funds for research in areas of interest to government, dispensed by law reform commissions and government departments. Often law faculty research centres and institutes also respond to these interests and receive substantial government funding. It is hardly surprising that the leading research areas as reported by law professors (See Canadian Law Professors, Table Q-19B) read like a list of the main areas of interest to governments, as reported by departments and law reform commissions. This is not to say that law professors might not spontaneously be interested in the same areas. But in part this pattern may be due to the heavy financial advantage of government-oriented research. Considering the large contingent of in-house government researchers (162 full-time, 83 part-time) does it make sense for law professors to concentrate on almost exactly the same areas? Although law professors claim that they are not primarily interested in commissioned research, it does seem that their research priorities are externally determined nonetheless.

If this analysis contains some truth, it would seem to be most important to consider the question of the balance between governmental and academic interests in legal research. Assuming both perspectives are valid, and that a system of mutual support and interaction is desirable, the key issue must be to what extent the academic legal research community is contributing to the governmental counterpart in the absence of any returned support. At present, it does not appear (with rare exceptions) that any appreciable support does flow back to academic legal research,

⁶ In 1980, 10 research grants in law were awarded by the SSHRC (value-\$90,000), 5 to professors in Quebec, and 19 leave fellowships, (value-\$168,667), again 5 to Quebec professors; eight "team research" grants were awarded by the FCAC (value- \$302,702).

except in so far as that research might relate to governmental objectives. On the other hand, however, the governmental community obviously draws heavily upon the resources of legal academia, which may be said to suffer thus from an overly "good" balance of trade.

C. Questionnaire and Tables

SURVEY OF LAW PROFESSORS - 1981
Q-26 SOURCES OF RESEARCH FUNDS FOR SELF-INITIATED AND COMMISSIONED RESEARCH

	SELF-INITIATED				COMMISSIONED				TOTAL			
	No.	% of total respondents	% of eligible cases*	No.	% of total respondents	% of eligible cases*	No.	% of total respondents	% of eligible cases*	No.	% of total respondents	% of eligible cases*
university	85	26.2	39.7	1			86	26.5	40.2			
your law faculty	110	34.0	51.4				110	34.0	51.4			
SSHRC/Canada Council	67	20.7	31.3	2			69	21.3	32.2			
fed. gov't dept.	22	6.8	10.3	41	12.7	19.2	63	19.5	29.5			
prov. gov't dept.	15	4.6	7.0	39	12.0	18.2	54	16.6	25.2			
fed. LRC	3	0.9	1.4	21	6.5	9.8	24	7.4	11.2			
prov. LRC	15	4.6	7.0	27	8.3	12.6	42	12.9	19.6			
special interest group	10	3.1	4.7	22	6.8	10.3	32	9.9	15.0			
law foundation	37	11.4	17.3	3	0.9	1.4	40	12.3	18.7			
other foundation	27	8.3	12.6	8	2.5	3.7	35	10.8	16.3			
other	9	2.8	4.2	13	4.0	6.1	22	6.8	10.3			

* Eligible cases are those respondents who answered in the previous question that, in the past five years, they have received direct financial subsidy for their research.

Source - Canadian Law Professors

SURVEY OF LAW PROFESSORS - 1981

Q-26A SOURCES OF RESEARCH FUNDS FOR SELF-INITIATED AND COMMISSIONED RESEARCH: COMMON/CIVIL

	SELF-INITIATED					COMMISSIONED					TOTAL				
	No. Common Civil		% of eligible cases*			No. Common Civil		% of eligible cases*			No. Common Civil		% of eligible cases*		
			Common	Civil	N %			Common	Civil	N %			Common	Civil	N %
university	64	21	64	39.8	21 44.7	1	1	1	.62	1 2.1	64	22	64	39.8	22 46.8
your law faculty	85	25	85	52.8	25 53.2						85	25	85	52.8	25 53.2
SSHRC/Canada Council	49	18	49	30.4	18 38.3	1	1	1	.62	1 2.1	50	19	50	31.1	19 40.4
fed. gov't dept.	19	3	19	11.8	3 6.4	35	6	35	21.7	6 12.8	54	9	54	33.5	9 19.2
prov. gov't dept.	7	8	7	4.4	8 17.0	28	11	28	17.4	11 23.4	35	19	35	21.7	19 40.4
fed. LRC	3	0	3	1.9	0 0.0	17	4	17	10.6	4 8.5	20	4	20	12.4	4 8.5
prov. LRC	13	2	13	8.1	2 4.3	26	1	26	16.2	1 0.1	39	3	39	24.2	3 6.4
special interest group	9	1	9	5.6	1 2.1	18	4	18	11.2	4 8.5	27	5	27	16.8	5 10.6
law foundation	33	4	33	20.5	4 8.5	1	2	1	.62	2 4.3	34	6	34	21.1	6 12.8
other foundation	24	3	24	14.9	3 6.4	7	1	7	4.4	1 2.1	31	4	31	19.3	4 8.5
other	7	2	7	4.4	2 4.3	10	3	10	6.2	3 6.4	17	5	17	10.6	5 10.6
eligible cases	143	45				78	17								
% total respondents	57.9	58.4				31.6	22.1								
total eligible cases	161	47													

* Eligible cases are those respondents who answered in the previous question that, in the past five years, they have received direct financial subsidy for their research.

CONSULTATIVE GROUP ON RESEARCH AND EDUCATION IN LAW
SPONSORED BY THE SOCIAL SCIENCES AND HUMANITIES RESEARCH COUNCIL OF CANADA

QUESTIONNAIRE TO FOUNDATIONS, LAW REFORM COMMISSIONS,
DEPARTMENTS OF JUSTICE, ATTORNEYS AND SOLICITORS GENERAL

If you conduct legal research in-house please answer	PART A	21
If you give research contracts please answer	PART B	17
If you give research grants to individuals please answer	PART C	9
If you give grants to institutions to sponsor research please answer	PART D	11
In all cases please answer	PART E	<u>15</u>
No. of completed questionnaires		31

PART A - IN-HOUSE RESEARCH

- | | | | | |
|----|--|-----|----|-------------|
| 1. | Do you conduct in-house legal research of any of the following types: | Yes | No | See Table 1 |
| | a) jurisprudential, historical, law and society | | | 13 |
| | b) relating to social policy formulation | | | 12 |
| | c) relating to specific legislative developments | | | 19 |
| | d) other - Please specify. <u>Do not</u> include work done in preparation for the provision of legal advice or services. | | | 4 |

2. How many lawyers are employed by your organization to carry out the above legal research?

full-time 108

part-time 77

See Table 2

3. How many professionals other than lawyers are employed for the above legal research?

full-time 68

part-time 14

4. Do you have one or more permanent research units? Yes 11 No

See Table 4

If so, please identify by title.

5. Please list the three most important subject areas for your in-house research. See Table 5

1 _____
 2 _____
 3 _____

6. Do you publish reports on research conducted in-house? Yes 12 No 9

If so, please indicate number published in 1981 39
 6 respondents had published 1-4 reports
 4 respondents had published 5-7 reports

7. Approximately what percentage of your in-house legal research is published? _____%

4 - 100%
 3 - 90%
 2 - 85%
 1 - 80%
 1 - 15%

PART B - CONTRACT RESEARCH

8. Do you give contracts for specific research projects related to the purpose of your organization involving research of the following types:

Yes No

- a) jurisprudential, historical, law and society 9 3
 b) relating to social policy formulation 12 1
 c) relating to specific legislative developments 17
 d) other - Please specify. Do not include work done in preparation for the provision of legal advice or services. 2 2

If so, please include a copy of your standard research contract, and of any standard policies you apply to contract research e.g. publication, release of data etc.

See Table 8

9. What was your budget for such research in 1981? \$ _____ See Table 9

10. How many research contracts did you give in 1981? 262

respondents - contracts

respondents - contracts

2	-	1	1	-	18
1	-	2	1	-	28
3	-	3	1	-	39
1	-	5	1	-	40
1	-	13	1	-	80
1	-	14			

11. Please estimate on a representative basis the percentage of contracts given to: See Table 11
- a) university based consultants _____ %
- b) private consultants _____ %
12. Do you publish reports of research done on contract? Yes 11 No 5
- If so, please indicate number published in 1981. _____ See Table 12
13. Approximately what percentage of your contract research do you publish? _____ % See Table 13
14. Do you permit contract researchers to publish independently? Yes 11 No 5
15. If so, are there restrictions (if applicable, please specify)? Yes 7 No 2
- See Table 15
16. Using descriptive titles, please list separately the research contracts you have given in 1981. See Table 16

PART C - GRANTS TO INDIVIDUALS

17. Do you make grants to individuals for research projects they have initiated involving research of any of the follow types? Yes No
- a) jurisprudential, historical, law and society 7 1
- b) relating to social policy formulation 5 2
- c) relating to specific legislative developments 8 1
- d) other - Please specify. Do not include work done in preparation for the provision of legal advice or services. 1
- See Table 18
18. What has been your budget for grants for 1981? \$ _____ (Question 19)- Respondents grants
- 3 0
- 1 10
- 1 5
19. How many research grants to individuals did you make in 1981? _____
- 1 3
- 1 2
- 1 1

20. Using descriptive titles, please list separately the research grants you have given in 1981. See Table 20

21. Do you publish reports of research done on your grants? Yes No 10
 If so, please indicate number published in 1981. N/A

22. Approximately what percentage of your grant based research do you publish? _____% no response

23. Do you permit grantees to publish independently? Yes 9 No

24. If so, are there restrictions (if applicable, please specify) Yes No 8

PART D - GRANTS TO INSTITUTIONS

25. Do you provide block grants to institutions for the support of legal research of any of the following types:

	Yes	No
a) jurisprudential, historical, law and society	10	1
b) relating to social policy formulation	6	3
c) relating to specific legislative developments	7	2
d) other - Please specify. <u>Do not</u> include work done in preparation for the provision of legal advice or services.	1	1

26. If so, please name the institutions involved and the amounts granted to each in 1981.

<u>Institution</u>	<u>Amount Granted - 1981</u>	
<u>All institutions</u>	<u>2,927,140</u>	See Table 26
_____	_____	
_____	_____	
_____	_____	
_____	_____	
_____	_____	

27. Do you specify the research area(s) to be supported by these grants?

Yes 1 No 8

If so, please list the areas you designate.

28. Do you approve individual projects within the block grant?

Yes 1 No 8

29. Are there other restrictions applied to these grants?

Yes 1 No 8

If so, please specify

PART E

30. What is your estimation of the present quality of legal research of the following types.

Excellent Good Fair Poor No Opinion

a) jurisprudential, historical, law and society	6	3	4	2	5
b) relating to social policy formulation	2	5	3	5	3
c) relating to specific legislative developments	6	2	5	3	3
d) other - Please specify. Do not include work done in preparation for the provision of legal advice or services.				1	4

31. Please take this opportunity to express your views on matters raised in this questionnaire or on any other matters of interest to you related to legal research and education in Canada.

See Table 31

QUESTIONNAIRE TO FUNDING SOURCES

Table 1 TYPE OF IN-HOUSE RESEARCH BY TYPE OF RESPONDENT

Type of Respondent

	Law Reform Commissions	Fed. and Prov. Dept. of Justice Attorney-General Solicitor-General	Other
a) Jurisprudential, Historical Law and Society	2	7	4
b) Social policy	5	3	4
c) Legislative development	6	9	4
d) other		2	2

Table 2 EMPLOYMENT OF RESEARCH PERSONNEL BY TYPE OF RESPONDENT

	Law Reform Commissions	Federal Departments*	Provincial Dept. of Justice Attorney-General	Other	Total
Lawyers					
Full-time	42	21	39	6	108
Part-time	31	12	32	2	77
Other Professionals					
Full-time	1	52	7	8	68
Part-time	3	2	3	6	14

* Justice, Solicitor General, Centre for Justice Statistics

QUESTIONNAIRE TO FUNDING SOURCES

Table 5 SUBJECT AREAS LISTED AS TOP THREE FOR IN-HOURE RESEARCH

Family law	- Fed. Dept. of Justice New Brunswick Dept. of Justice Attorney-General B.C. Attorney-General Alberta L.R.C. Manitoba Dept. of Justice, Newfoundland
Administrative law	- Attorney General Nova Scotia L.R.C. Canada L.R.C. Manitoba Chambre des Notaires
Courts, Administration of Justice	- Fed. Dept. of Justice Attorney-General B.C. Attorney-General Alberta Centre for Justice Statistics
Property	- New Brunswick Dept. of Justice Attorney General Alberta L.R.C. Manitoba
Civil Procedure	- Fed. Dept. of Justice Attorney-General Ontario New Brunswick Dept. of Justice Attorney-General Nova Scotia
Criminal law	- Fed. Dept. of Justice Attorney-General Ontario L.R.C. Canada Attorney-General B.C. Solicitor-General Canada
Constitutional Law	- Fed. Dept. of Justice - Attorney-General, Nova Scotia

Other areas listed: Indexing and reporting, narcotics legislation, protection of life, natural resources legislation, pratique du droit, formation juridique, computers, public legal education, bill processing, induction des lois et méthodologies d'induction, uniform law conference issues, sentencing, enterprise crimes.

QUESTIONNAIRE TO FUNDING SOURCES

Table 8 COMMENTS ON STANDARD RESEARCH CONTRACT

1. Contracts are for appointment of counsel from the private sector to advise the government confidentially on specific legislative developments. (A-G. of British Columbia)
2. No written contract is used. (L.R.C. of Saskatchewan)
3. Individual contracts normally are restricted to identifying the subject matter of the research, the projected time period of completion and the remuneration (Dept. Justice of New Brunswick).
4. Reports are property of the Crown; receive at least limited circulation within client community (Centre for Justice Statistics)

QUESTIONNAIRE TO FUNDING SOURCES

Table 9 RESEARCH CONTRACT BUDGET FOR 1981

1. A-G, British Columbia	- \$100,000: may include money for provision of legal advice and services.
2. L.R.C., Saskatchewan	- \$65,000
3. L.R.C., Canada	- \$161,860
4. L.R.C., Manitoba	- \$10,000
5. Barreau de Quebec	- \$100,000
6. Canadian Law Information Council	- \$75,000
7. A.G., Ontario	- \$290,744
8. Dept. Justice, New Brunswick	- \$60,000
9. L.R.C., Ontario	- \$149,000
10. Centre for Justice Statistics	- \$56,000
11. Fed. Dept. of Justice	\$900,000
12. Solicitor General Canada	-\$1,600,000
13. Chambre des Notaires	- \$20,000
14. Not specifiable	- A.G. Saskatchewan, L.R.C. Alberta
Total	\$3,581,640

QUESTIONNAIRE TO FUNDING SOURCES

Table 11 DISTRIBUTION (%) OF RESEARCH CONTRACTS

Respondents	% contracts to University consultants	No. of contracts to University consultants	Respondents	% contracts to private consultants	No. of Contracts to private consultants
1	100%	18	1	60%	48
1	82%	23	1	76%	14
1	75%	11	1	70%	28
1	70%	2	1	95%	3
1	54%	21	1	54%	7
2	50%	2	1	50%	3
1	46%	6	1	46%	18
1	40%	32	1	30%	1
1	30%	12	1	25%	3
1	24%	4	1	18%	5
1	5%	—			—
	Total	131		Total	130

QUESTIONNAIRE TO FUNDING SOURCES

Table 12 PUBLICATION OF REPORTS FROM CONTRACTS - 1981

2	Chambre des Notaires
2	L.R.C. Saskatchewan
3	L.R.C. Saskatchewan
4	L.R.C. Canada
6	C.L.I.C.
7	Barreau du Québec
8	Fed. Dept. of Justice
10	A.G. Ontario
10	Solicitor General Canada

Table 13 PUBLICATION OF CONTRACT RESEARCH - %

100%	Fed. Dept. of Justice
100%	A.G. Ontario (in some form or another)
100%	Barreau de Québec
100%	L.R.C. Manitoba
100%	Chambre des Notaires
80%	L.R.C. Canada
15%	Solicitor General Canada
0%	Laidlaw Foundation
0%	Dept. of Justice N.B.

Comment by L.R.C. of Ontario:

Research papers prepared for Commission Projects are regarded as internal material and are not usually published by the Commission. The Commission publishes its own report in each project. (At infrequent intervals papers have been given limited circulation for comment).

QUESTIONNAIRE TO FUNDING SOURCES

Table 15 COMMENTS ON RESTRICTIONS ON PUBLISHING CONTRACT RESEARCH

1. Concerning royalties - Canadian Law Information Council
2. Disclaimers and timing coordination - A.G. Ontario
3. Independent publication must occur after the Commission has published its reports - L.R.C. Saskatchewan.
4. Timed not to conflict with Institute projects - Alberta Institute for Law Research and Reform.
5. Require acknowledgement of support - L.R.C. Canada.
6. Contract work is intended to feed back into program designs - Canadian Centre for Justice Statistics.
7. Most contract research is actually published independently; if not published by Solicitor General within 12 months, rights to publish go to the author.
8. Nous conservons les droits de l'auteur - Chambre des Notaires.

QUESTIONNAIRE TO FUNDING SOURCES

Table 16 LISTING OF RESEARCH CONTRACTS IN 1981

1. Foundation for Legal Research	a) Natural resource law - Alberta b) Canadian Bar Association
2. Manitoba Law Reform Commission	a) Priority of Liens b) Administrative Procedure c) Rule Against Perpetuities
3. Saskatchewan Law Reform Commission	a) Law of Frustration b) Matrimonial Property Law c) Committal under Lt. - Governor's Warrants d) Guest Passenger Restrictions on Insurance Recovery e) Coroners Act
4. New Brunswick Dept. of Justice	a) Creditor's Rights - Execution b) Limitation of Action and Statutory Liens c) Probate Procedure
5. Ontario Attorney-General	a) Vandalism b) Mind Development c) Freedom of Information d) Tort Compensation e) Pensions f) Confidentiality of Health Records g) Capitalization Rate in Damage Actions h) Professional Organizations
8. Canadian Law Information Council - attached	
9. Ontario Law Reform Commission - attached	
10. Law Reform Commission of Canada - attached	
11. Federal Dept. of Justice	- attached
12. Solicitor General Canada	- too long for inclusion, available from Solicitor General
6. Chambre des Notaires	a) Code civil
7. Centre for Justice Statistics	a) Information Needs of Judiciary b) Information Needs for Law Enforcement c) Management Performance Indicators

LAW REFORM COMMISSION OF ONTARIO

-3A-

Question 16, Part B (from page 3)

Research contracts current in 1981-82:

NOTE: The research contracts referred to in Part B may be continuing, from previous fiscal year(s), or may have been initiated during the course of the current fiscal year 1981-82; in either case they may continue beyond the current fiscal year.

Projects directed by External
Research Director (either
alone or supervising a research
team of one to seven members)

The Law of Mortgages

Administration of Estates of
Deceased Persons

Powers of Entry

Law of Contract Amendment

Contribution Among Wrongdoers

The Law of Trusts

Remedies for Wrongful Intentional
Interference with Goods

Projects directed internally

Enforcement of Judgment Debts
(consultative services)Class Actions
(external contractual research
by individuals)The Law of Standing
(external contractual research
by individual)

PART B - CONTRACT RESEARCH

Question 16

Research Contracts 1981

(Not In-House)

1. Cessation of Treatment
2. Advice and consultation in Protection of Life
3. Advice and consultation in Criminal Procedure
4. Advice and consultation in Administrative Law
5. Advice and consultation in Protection of Life
6. New Genetic Life Forms
7. Advice and consultation in Protection of Life
8. Assistance to Criminal Procedure researcher
9. Advice and consultation in Administrative Law
10. Advice and consultation in Protection of Life
11. Advice and consultation in Criminal Law
12. Review of a questionnaire on Administrative Law
13. Statutory and Common Law Procedures for Disclosure and Committal Proceedings
14. Advice and consultation in Protection of Life
15. Advice and consultation in Public Health and the Law
16. Administration of the Northern Pipeline
17. Review a questionnaire on Administrative Law
18. Review a questionnaire on Administrative Law
19. Advice and consultation in Administrative Law
20. Formulation of a study proposal on Disposition of Things Seized
21. Execution of a study on Disposition of Things Seized
22. Formulation of a study proposal for Investigative Tests

23. Politics, Cost-Benefit Analyses, and Economics of Pollution
24. Consultation in Political Science and the Law
25. Writs of Assistance
26. Search and Seizure with special reference to drug law enforcement
27. Advice and consultation in Protection of Life
28. Legal Status of the Police in Canada
29. Advice and consultation on psychiatric matters
30. Advice and consultation on psychiatric matters
31. Behaviour Modification and the Law
32. Formulation of a proposal on empirical research into Search Without Warrant
33. Search Without Warrant - Presentation and Analysis of Data
34. Search Without Warrant - Statistical Tables
35. Search Without Warrant - Statistical Refinement
36. Disposition of Things Seized - Other Control-Related Problems
37. Advice and consultation on Legal Controls and the Environment
38. Study on ethical implications of Legal Controls in the Working, Consumer and Public Environments
39. Advice and consultation in Administrative Law

CANADIAN LAW INFORMATION COUNCIL

LIST OF RESEARCH CONTRACTS AWARDED IN 1981

A Comparison of Automated and Manual Legal
Research: A Computer Study

Québec Legal Documentation at the Beginning of
the 80's: The results of a survey.

Minimizing and Eliminating Unnecessary Costs
in Connection with the Administration of
Justice (In preparation)

Legal Education for Canadian Youth. (Proceedings
of a Conference held at the College of Law,
University of Saskatchewan, May 22-24, 1980.)

The Media and the Image of Justice. (Selected
papers from a Conference held at the University of
King's College, Halifax, N.S., September 10-12, 1980.)

Case Law Reporting: A Selected Bibliography & Checklist
of Canadian Law Reporting Studies.

Legal Literature in Small Jurisdictions. (A Report of a
Conference held at Osgoode Hall Law School, York
University, Downsview, Ontario, November 3-5, 1978.)

Code de procédure civile (textes et arrêts) art. 482
à 1051.

Citation of Legal Periodicals in Canada. (In preparation.)

Analysis of a Survey of Law Professors. (In preparation.)

Feasibility Study of a Canadian Legal Information Network.

Study of the Statistical needs of the Judiciary.

Supplement to the Boulton Bibliography of Canadian Law. (In
preparation.)
January 28, 1982.

FEDERAL DEPARTMENT OF JUSTICE

16. The research contracts given in 1981 (fiscal year) are:
1. Dr. François X. Ribordy - Legal Aid Research Centre Project
 2. Dr. Albert Currie - Cost-Sharing of Civil Legal Aid Programme
 3. Pam Kellaway - Legal Services for Young Persons
 4. Dr. Sharon Sutherland - C.L.I.C.
 5. Simon Fraser University - Evaluability Assessment of
B.C. Legal Services Society
 6. Plurimens Inc. - Civil Law/Common Law Exchange Programme
Evaluation
 7. The University of New Brunswick and Université de Moncton -
Legal Aid Services in New Brunswick (dated March 25'81)
 8. Simon Fraser University - The Evaluation of Legal Aid in
British Columbia
 9. Dr. Ross Hastings - Crime Compensation Programmes in Canada
 10. Thomas Owen & Associates Ltd. - Programme Review and
Evaluability Assessment of
Native Courtworker
Programme, Saskatchewan
 11. Professor Carl Baar - Telephone Survey & Limited Literature
Survey - Pre-Trial
 12. University of Toronto - Drug Addiction Treatment Programmes
 13. Canadian Gallup Poll Limited - Cannabis
 14. Candace Brookbank - Sexual Assault Study
 15. Guy Lemire - Evaluation du programme de travaux communautaires
au Québec
 16. Service d'indemnisation des victimes d'actes criminels -
Projet de recherche concernant le programme d'indemnisation
des victimes d'actes criminels
 17. Service de réadaptation sociale - Evaluation du programme de
déjudiciarisation du S.R.S.
 18. ADCOM Ltée - Enquête téléphonique auprès de victimes d'actes
criminels concernant leurs besoins d'information

QUESTIONNAIRE TO FUNDING SOURCES

Table 18 GRANTS BUDGETS

1. \$5,000 - Alberta Institute for Law Research and Reform
2. \$545,000 - Donner Foundation
3. unspecified - Law Foundations of Ontario, Nova Scotia
4. \$10,000 - pour bourses à des étudiants où des notaires, Chambre des Notaires du Québec
5. \$347,500 - Fed. Dept. of Justice
6. \$10,500 - Osgoode Society

QUESTIONNAIRE TO FUNDING SOURCES

Table 20 LIST OF RESEARCH GRANTS TO INDIVIDUALS - 1981

Law Foundation of Nova Scotia	-	1) Annotated Civil Procedure Rules for Nova Scotia
		2) Canadian Law Dictionary
		3) Prepaid Legal Services
		4) Schools Law Handbook
Donner Canadian Foundation	-	attached.
Law Foundation of B.C.	-	1) History of B.C. Supreme Court
		2) Cessation of Medical Treatment
Fed. Dept. of Justice	-	attached
Osgoode Society	-	1) History of Master - Servant Act
		2) Study of early 19th century court records
		3) Evolution of Canadian rape law in 19th century
		4) Evolution of structure of Ontario Court system
		5) Reconstruction of Sir Arthur Currie libel trial of 1920's.

DONNER GRANTS FOR LEGAL PROJECTS
BEGINNING IN 1981

Canadian Institute for the Administration of
Justice, Edmonton, Alberta

For a planning study toward establishment of a National Judicial Centre \$ 10,000

Dalhousie University
Halifax, Nova Scotia

For the establishment of the Atlantic Institute of Criminology \$ 45,000

University of Moncton
Moncton, New Brunswick

To establish a community legal education programme with a research component \$ 150,000

University of Ottawa
Ottawa, Ontario

For the establishment of the Institute of Human Rights \$ 300,000

Westminster Institute for Ethics and Human
Values
London, Ontario

For research on contract and labour law \$ 40,000

(The amounts shown above are generally spent over several years. At the same time, grants begun prior to 1981 continue to be paid in 1981)

FEDERAL DEPARTMENT OF JUSTICE

20.* List of research grants given in 1981 (fiscal year):

- Criminal Law Attempt - Professor Meehan, University of Alberta.
- Sentencing Handbook - Canadian Association of Provincial Court Judges.
- Fitness to Stand Trial - Drs. Webster and Roesch
- Study on Child Abuse and Neglect in Nova Scotia - Nova Scotia Family and Child Welfare Association.
- Study on Restitution Orders in Sentencing - Social Planning Council of Winnipeg.
- Study on Battered Women - Women's Research Centre of Vancouver.
- Study of Lieutenant Governor's Warrants - Institut Philippe Pinel.
- Etude des viols commis en réunion de 1973-1978 dans les district judiciaire de Montréal - Hôpital Louis-H. Lafontaine.
- Research on Crown Counsel Decision-Making Process - Canadian Association of Crown Counsel.
- Sexual Offences Against Children and Youths - Dr. Robin Badgley.

* Although contributions are made via an institution or association, the researcher is usually well identified to the Department of Justice.

QUESTIONNAIRE TO FUNDING SOURCES

Table 26 GRANTS TO INSTITUTIONS

1. Law Foundation of Nova Scotia	a) Continuing Legal Education Society of Nova Scotia	73,300
	b) Dalhousie Legal Aid	20,000
	c) Atlantic Institute of Criminology	22,500
	d) Youth Alternative Project	16,000
2. Attorney General of B.C.	a) Law Reform Commission of B.C.	390,000
	b) Uniform Law Conference	2,500
3. Attorney General of Alberta	a) Institute of Law Research and Reform	290,000
4. Attorney General of Ontario	a) Osgoode Society	35,000
5. Alberta Law Foundation	a) Institute of Law Research and Reform	435,000
	b) Canadian Resources Law Institute (Calgary)	100,000
	c) University of Calgary Computer Services, Conferences, etc.	73,000
6. Law Foundation of Ontario	a) The Osgoode Society	90,000
	b) Metropolitan Toronto Forensic Service	5,000
	c) University of Saskatchewan, Native Law Centre	10,000*
	d) Neighbourhood Legal Services	40,000*
	e) John Howard Society	40,840
	f) Osgoode Hall Law School	165,000
	g) Toronto U. Law School	132,000
	h) Ottawa U. Law School	132,000
	i) Queen's U. Law School	132,000
	j) U. of W.O. Law School	132,000
	k) U. of Windsor Law School	132,000

* Part legal research and part legal education

Allocation of funds for a variety of purposes, among them faculty and student research projects, is at discretion of Deans.

7. Law Foundation of B.C.	a) Law Reform Commission of B.C.	8,000
8. Law Foundation of Saskatchewan	a) Law Reform Commission of Saskatchewan	75,000

9. Solicitor General Canada	a) Centre of Criminology, University of Montreal	105,000
	b) Centre of Criminology, University of Toronto	105,000
	c) Centre of Criminology, Alberta	40,000
	d) Centre of Criminology, Ottawa	25,000
	e) Centre of Criminology, Regina	25,000
	f) Centre of Criminology, Simon Fraser	25,000
10. Chambre des Notaires	a) Centre de droit privé et Comparé, Faculty of Law, McGill University -	50,000
	Total 2,927,140	

QUESTIONNAIRE TO FUNDING SOURCES

Table 31 CONCLUDING COMMENTS

Attorney-General Saskatchewan:

The Law Reform Commission of Saskatchewan is not a part of our Department, but is responsible for reporting research results to the Attorney General, and conducts research at his direction into specific areas which may require reform.

The budget of the Law Reform Commission is part of the Attorney General's Department budget, and for the 1981-82 fiscal year was approximately \$260,000. As well, the Commission receives grants from the Law Foundation of Saskatchewan for research contracts for work done by other than employees of the Commission.

In 1981, the Commission published the following reports:

- Tentative Proposals for a Compulsory Mental Health Care Act.
- Proposals on Custody, Parental Guardianship, and the Civil Rights of Minors
- Tentative Proposals for a Human Artificial Insemination Act.
- Tentative Proposals for Changes in Limitations Legislation,
Part I: The Effect of Limitations on Title to Real Property.
- Tentative Proposals for an Equality of Status of Married Persons Act.
- Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations.
- Tentative Proposals for Defences to Provincial Offences.
- Tentative Proposals for a Guardianship Act Part I: Personal Guardianship.

Addiction Research Foundation:

Some of the adverse effects associated with drug use in our society are a consequence of law governing possession of the drug as well as of the action of the drug itself. Accordingly to provide an adequate knowledge base for drug control policy formulation, we support a limited amount of legal and criminological research on the effects (adverse or beneficial) of relevant control measures. However, for us, such research is incidental to, and of lower priority from, our main objective which is to understand the effects of psychoactive drugs on health.

Table 31 CONCLUDING COMMENTS

Page 2

Laidlaw Foundation:

The Foundation is more concerned with service delivery and supports research only insofar as it relates to direct service.

A small number of grants to individuals relate to policy formulation and legislative developments.

From time to time, the Foundation sponsors conferences concerned with legal and psychological issues in services for children.

Ministry of Attorney-General B.C.:

The Attorney General Act, unlike the Law Reform Commission Act, does not provide specifically that this Ministry should undertake legal research or review of statute and common law. The research that is done is usually in support of fulfillment of other duties cast upon the Ministry by the Act.

Department of Attorney-General of Nova Scotia:

There is a great need for basic research tools in Canadian legal literature -- dictionaries and comprehensive periodical indexes in particular. Textbooks dealing with actions involving the Crown are needed as well as more work in the area of administrative law. The indexing of legal information -- case law, statutes etc. has to be studied, especially with the advent of computer-assisted research.

Law Reform Commission of Canada:

In answer to Q.30 generally the quality is good, sometimes excellent, sometimes less than good. It varies from study to study.

Law Foundation of Nova Scotia:

Grants to institutions are our main form of granting. However, except for an annual grant to the Continuing Legal Education Society and a few others, these are not block grants but grants to institutions for specific law-related projects.

Table 31 CONCLUDING COMMENTS

Page 3

Law Foundation of B.C.

Research Grants are restricted to projects with a strong application to British Columbia. Research support is not among the primary purposes of the Law Foundation.

APPENDIX A

LIST OF INSTITUTIONS SURVEYED

Reply Rec'd - X

Attorney-General Alberta	X
Attorney-General B.C.	X
Attorney-General Saskatchewan	X
Attorney-General Manitoba	X
Attorney-General Ontario	X
Attorney-General Nova Scotia	X
Attorney-General P.E.I.	X
Department of Justice New Brunswick	X
Department of Justice Newfoundland	X
Ministère de la Justice du Québec	
Department of Justice Canada	X
Solicitor General Canada	X
Law Reform Commission of B.C.	X
Alberta Institute of Law Research and Reform	X
Law Reform Commission of Saskatchewan	X
Law Reform Commission of Manitoba	X
Law Reform Commission of Ontario	X
Commission de refonte des lois et des reglements du Québec	X
Nova Scotia Law Reform Advisory Commission	
Newfoundland Law Reform Commission	X
Law Reform Commission of Canada	X
Atkinson Charitable Foundation	X
Donner Canadian Foundation	X
Laidlaw Foundation	
Oakah L. Jones Foundation	
Alcoholism and Drug Addiction Research Foundation	X
Canadian Law Information Council	X
Osgoode Society	X
Canadian Bar Association	
Foundation for Legal Research	X
Canadian Environmental Law Research Foundation	
Canadian Tax Foundation	
Barreau du Québec	X
Chambre des Notaires du Quebec	X
Canadian Centre for Justice Statistics, Statistics Canada	X
Law Foundation of British Columbia	X
Alberta Law Foundation	X
Saskatchewan Law Foundation	X
Law Foundation of Ontario	X
Law Foundation of Nova Scotia	X

APPENDIX B.

SOCIAL SCIENCES AND HUMANITIES RESEARCH COUNCIL OF CANADA SUPPORT
FOR RESEARCH IN LAW

The following is a brief statistical summary of support within the various major SSHRCC programs for the discipline of law over the years 1969-70 to 1980-81.

Research Grants

These grants are intended to cover the direct costs of specific research projects. The very small number of research grants awarded in law is striking: from a high of 20 in 1969-70 to a low of 2 in 1978-79 (see Table 1). During that period a decline in awards is apparent, and not at all due to a declining rate of success. However, beginning in 1979-80 a reversal of the previous trend is apparent. From 1968-69 to 1980-81 a total of 136 awards were made, and 32 applications were rejected, giving a relatively high success rate of 81.0%. During this same twelve year period, 34 applications were withdrawn or declared ineligible.

In 1980-81 there were 613 full-time law professors in Canada (Statistics of the Canadian Deans of Law). Their cumulative participation rate in the research grants program over the past five years, on the basis of 600 law professors having made 37 successful and 9 unsuccessful applications, is 7.7%.

As a contrast we might consider the discipline of political science. This field is rather closely related to law, and the size of the professoriat is similar. There were 715 political scientists engaged in full-time teaching at Canadian Universities in 1977-78. In that one year alone they made 52 applications to the Canada Council for research grants - a rate of 7.3%. Over the past five year period the Council received 263 applications from political scientists - six times as many as from law professors - giving a cumulative participation rate of 37%. Moreover, the success rate over the past ten years in political science (73%) has been significantly lower than that for law.

We have made a breakdown of the research grants in law according to four broad categories: historical, theoretical, empirical and international (Table 1). We found that slightly over half (51.6%) of the awards were in the category 'theoretical', while empirical and international studies accounted for almost all the remaining awards granted. In thirteen years the Council's research grants program supported only 7 projects on the history of law.

Table 2 presents a distribution by faculty of the research grants in law awarded from 1968-69 to 1980-81.

Leave Fellowships

These are awards intended to assist scholars to take advantage of sabbatical leave. The applications and awards for leave fellowships in law since 1969-70 are presented in Table 3. Over the past five years, 156 applications for leave fellowships were received, giving a cumulative participation rate of 26% over the five-year period, a great deal higher than that for research grants. The cumulative success rate of leave fellowship applications in law, 52.7%, is significantly higher than the average, 48.3%. Over the past five years, however, the success rate in law has been 46.8%, while the overall success rate during that time is 46.0%.

Doctoral Fellowships

These are awards to support doctoral students. In June 1972 the Canada Council ruled that the LLM would be regarded as the equivalent of the Ph.D. for the purposes of the Doctoral Fellowship competition, however, students not holding a B.A. or equivalent would be eligible for Council support only in the second year of their LLM studies. In March 1974, following objections from a number of law deans, this limitation was removed.

The years of these changes in policy mark a significant increase in the proportion of applications in the doctoral program which are made by law students (see Table 4). With the exception of the last reported year (1980-81), the success rate in law has been consistently higher than the overall average by a factor of about 6%.

At our Quebec Regional Consultation the question was raised as to whether Quebec applicants in the Doctoral Fellowship Program were disadvantaged in the competition due to the fact of their not holding, in many cases, an undergraduate degree. To answer the question we compared the success rate over the past three years of applicants in law from Quebec with those from other provinces.

Doctoral Fellowships - Law - 1979-80 - 1981-82

	Quebec	Other Provinces	Overall Success Rate
Applications	106	150	1979-80 - 32%
Awards	37	55	1980-81 - 27%
Success Rate	34.9%	36.7%	1981-82 - 30%

Clearly there is no significant bias operating against Quebec applicants in law.

Negotiated Grants

This program, now discontinued per se, provided large grants, normally five years in duration, to support major team research projects.

It is interesting to note that over twice as much funding was awarded for research in law through Negotiated Grants than Research Grants although the program was only in operation from 1975 to 1980. In the three law projects listed below a total of 16 senior researchers with law degrees have been employed (Lajoie - 7, Matte - 5, Gold - 4), and in the two law-related studies listed at least one senior researcher (in the Doob project) is a lawyer.

TABLE 1

Social Sciences and Humanities Research Council of Canada

Research Grants in Law, 1968-69, 1980-81 Numbers of Awards
Numbers of Projects and Amounts, by Area of Study

	Historical		Theoretical		Empirical		International		Total	
	Awards	\$	Awards	\$	Awards	\$	Awards	\$	Awards	\$
1968-69	1	4156	2	20850					3	25006
1969-70	1	4771	10	43005	5	90405	4	11250	20	149431
1970-71			9	33280	4	39370	5	13264	18	85914
1971-72	2	12000	8	42438	1	8400	5	69231	16	132069
1972-73	1	11840	8	43154	4	15920	2	2455	15	73369
1973-74			8	41835	3	9976	3	9003	14	60814
1974-75	1	1850	5	18397	1	44424			7	64671
1975-76			4	69709	2	32097			6	101806
1976-77	1	4239	5	22362	1	2281	1	4475	8	33357
1977-78					5	45094	2	27803	7	72897
1978-79					2	17282			2	17282
1979-80			6	66585	1	9409	3	19654	10	95648
1980-81	1	3350	6	52298	1	6064	2	29147	10	90862
Total		42206		453913		320722		186282		1003133
Awards	8		71		30		27		136	
Individual Projects	7		60		22		23		112	

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TABLE 2

Social Sciences and Humanities Research Council of Canada
Research Grants in Law, 1968-69, 1980-81, Numbers of Projects
and Amounts by University

	Historical		Theoretical		Empirical		International		Total	
	Projects	\$	Projects	\$	Projects	\$	Projects	\$	Projects	\$
Toronto	1	8800	8	28853	3	27895	3	11976	15	77524
York			7	76429	3	11495	2	24265	12	112189
Manitoba	1	4156	7	50072	2	3610	1	955	11	58793
Laval	1	15040	7	52751	3	85432	1	10200	12	163423
McGill			5	42675	1	2000	2	5580	8	50255
Montréal			4	65416	1	33869	1	19002	7	118287
Ottawa			5	25278	2	49904	2	6850	9	82032
UBC	1	4239	5	49044	2	26514			8	79795
Queen's			2	6750	1	48795	2	57093	5	112638
Other	3	9971	10	56647	4	31208	9	40216	27	134629
TOTAL	7	42206	60	453915	22	320722	23	176137	112	989565

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TABLE 3

LEAVE FELLOWSHIPS IN LAW 1969-70 to 1980-81

<u>Applications</u>	<u>Awards</u>	<u>Success Rate</u>	<u>Year</u>
3 (378)*	2 (135)		1969-70
9 (270)	7 (164)		1970-71
19 (433)	15 (263)		1971-72
16 (519)	15 (325)		1972-73
25 (676)	11 (366)		1973-74
23 (798)	10 (390)		1974-75
26 (843)	13 (346)	50.0 (41.1)	1975-76
18 (808)	12 (378)	66.7 (46.8)	1976-77
30 (798)	13 (370)	43.3 (46.4)	1977-78
25 (794)	12 (345)	48.0 (43.5)	1978-79
36 (836)	17 (400)	47.2 (47.8)	1979-80
47 (898)	19 (409)	40.4 (45.6)	1980-81
277 (8051)	146 (3891)	52.7 (48.3)	

* In parentheses figures for the program as a whole are given

TABLE 4

DOCTORAL FELLOWSHIPS -NEW AWARDS- IN LAW 1969-70 to 1980-81

<u>Applications</u>	<u>Law as Proportion of Total Applications</u>	<u>Awards</u>	<u>Success Rate</u>	<u>Year</u>
65 (2948)*	2.2%	25 (1168)	38.5% (38.6%)	1969-70
47 (3070)	1.5	17 (1031)	36.2% (33.6%)	1970-71
32 (2905)	1.1	11 (967)	34.4% (33.3%)	1971-72
53 (2437)	2.2	22 (838)	41.5% (34.4%)	1972-73
64 (2550)	2.5	26 (829)	40.6% (32.5%)	1973-74
78 (2420)	3.2	26 (713)	33.3% (29.5%)	1974-75
87 (2085)	4.2	28 (569)	32.2% (27.3%)	1975-76
64 (2046)	3.1	22 (579)	34.4% (28.3%)	1976-77
94 (2142)	4.4	31 (579)	33.0% (27.0%)	1977-78
94 (2148)	4.4	31 (585)	33.0% (27.2%)	1978-79
81 (2365)	3.4	28 (728)	34.6% (30.8%)	1979-80
85 (2816)	3.0	33 (1177)	38.8% (41.8%)	1980-81
844 (30932)		300 (9733)	35.6% (31.5%)	

* In parentheses figures for the program as a whole are given

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APPENDIX C

Support for Legal Research by the Fonds - Formation de Chercheurs et Action Concertée - 1980

The FCAC is the granting agency of the Quebec government. In 1980-81 it disbursed approximately \$25 million for research training and support across all disciplines in the province. The following support was given for research in law as reported in the 1980-81 annual report.

Masters scholarships - 14 at a value of \$74,000.

Doctoral scholarships - 10 at a value of \$70,000

Research grants (team research) - 8 at a value of \$313,250

Grants to research centres - 2 at a value of \$225,000

List of Grants

Grants to research centres

1. Centre de recherches en droit public, Université de Montréal - \$160,000
2. Centre de recherches en droit aérien et spatial, McGill University - \$65,000.

Grants for team research

- | | |
|--|-----------|
| 1. Le vol à main armée: étude compréhensive (Montréal) | \$112,250 |
| 2. Recherche concernant l'indemnisation des victimes d'accidents thérapeutiques (McGill) | \$55,500 |
| 3. La motivation des actes de l'administration publique (Laval) | \$21,000 |
| 4. Synthèse et critique du droit de la santé au Québec (Montréal) | \$31,500 |
| 5. Les nouveaux modes de règlement des conflits entre les citoyens et l'administration (colloque, Laval) | \$4,000 |
| 6. Recherches sur le droit de la consommation-études théoriques et analyse du domaine des services (Montréal) | \$50,000 |
| 7. Le bilinguisme judiciaire ou études des conditions de l'utilisation de l'anglais et du français dans l'exercice de la justice du Québec (Laval) | \$23,500 |
| 8. La responsabilité des média en droit québécois des communications (Montréal) | \$15,000. |

